

# **Exhibit 3**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CF 135 FLAT LLC, CF 135 WEST MEMBER  
LLC and THE CHETRIT GROUP, LLC,

Interpleader Plaintiffs,

-against-

TRIADOU SPV S.A., CITY OF ALMATY, a  
foreign city, and BTA BANK JSC,

Interpleader Defendants.

15 Civ. 5345 (AJN) (SN)

CITY OF ALMATY, KAZAKHSTAN and BTA  
BANK JSC,

Crossclaim Plaintiffs,

-against-

MUKHTAR ABLYAZOV, VIKTOR  
KHRAPUNOV, ILYAS KHRAPUNOV, and  
TRIADOU SPV S.A.,

Crossclaim Defendants.

**BTA BANK AND THE CITY OF ALMATY, KAZAKHSTAN'S FIRST AMENDED  
DISCLOSURES PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, crossclaim plaintiffs BTA Bank and the City of Almaty, Kazakhstan (the “Kazakh Entities”), through their undersigned counsel, provide the following First Amended Rule 26 disclosures.

### **GENERAL OBJECTIONS**

1. The Kazakh Entities’ First Amended Rule 26 disclosures are made without waiving any objection to evidence described or suggested herein on the grounds of authenticity, relevance, competency, privilege, work product, hearsay, or any other proper ground. The Kazakh Entities also reserve the right to object to any subsequent discovery request by crossclaim defendants Triadou SPV S.A. (“Triadou”), Mukhtar Ablyazov, Viktor Khrapunov, and Ilyas Khrapunov (collectively with Triadou, the “crossclaim defendants”), even if directed to subject matter described herein.

2. The First Amended Rule 26 disclosures are based upon information currently in the Kazakh Entities’ possession, custody, or control. Discovery, fact investigation, and trial preparation are ongoing, and the Kazakh Entities reserve the right to supplement or amend these initial disclosures in light of further discovery, investigation, and trial preparation, including as to other individuals whose names appear in documents to the extent they come relevant. The Kazakh Entities reserve the right to rely on discoverable information from sources identified in the initial disclosures of any party.

### **RULE 26(a)(1) DISCLOSURES**

**A. The name and, if known, the address and telephone number of each individual likely to have discoverable information---along with the subjects of that information---that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.**

Based on current information, the individuals identified below may have knowledge that the Kazakh Entities may use to support their claims, and therefore such individuals would likely

have discoverable information that the Kazakh Entities may use to support their claims in this action, other than for impeachment purposes.

The inclusion of a name on this list is not a statement by the Kazakh Entities that the named individuals necessarily have discoverable information and the description in this list of the subject matter of the information that the Kazakh Entities might obtain from an individual refers to the principal subject matter of that information and does not exclude other subjects that might be relevant to claims or defenses in this action. This list does not include experts and/or consultants who might be retained. At the present time, the Kazakh Entities contemplate relying on discoverable information from the following persons, including any persons identified pursuant to Rule 26(a)(1) by any of the crossclaim defendants, which are incorporated herein:

<b>Name and Title</b>	<b>Subject</b>	<b>Contact Information</b>
Mukhtar Ablyazov, former Chairman and controlling owner of BTA Bank	Ablyazov/Khrapunov theft of funds from Kazakh Entities; subsequent efforts to hide proceeds of theft in New York; relationship between Telford, Triadou, and proceeds of theft.	Fleury-Mérogis Prison Inmate Number 417 150 7 Avenue des Peupliers 91700 Fleury-Mérogis France
Viktor Khrapunov, former Mayor of Almaty	Ablyazov/Khrapunov theft of funds from Kazakh Entities; subsequent efforts to hide proceeds of theft in New York; relationship between Telford, Triadou, and proceeds of theft.	Chemin de Ruth 49 1223 Cologny Switzerland
Leila Khrapunov, wife of Viktor Khrapunov	Sources of Khrapunov family wealth.	c/o John Kenney, Esq.
Ilyas Khrapunov, former chairman of Swiss Development Group (SDG) and son of Viktor Khrapunov	Operation of SDG; sale to Phillippe Glatz; role of various SDG employees; relationship between SDG, Triadou, and Telford; financing problems	Chemin Calandrini 12 1231 Chêne-Bougeries Switzerland

	with other SDG projects.	
Philippe Glatz, Director of SDG	Glatz's purported purchase of SDG in 2013; subsequent management of SDG and relationship with Triadou, Telford, and other Ablyazov/Khrapunov entities.	Swiss Development Group SA 3, Rue du Mont-Blanc 1201 Geneva Switzerland +41 (0) 22 545 03 00
Marc Gilliéron, Chairman of SDG; partner at Chabrier Avocats	Founding and financing of SDG	3, Rue du Mont-Blanc P.O. Box 1363 1211 Geneva Switzerland +41 (0) 22 702 0700
Cesare Cerrito, CFO of SDG	Operation and financing of SDG; relationship with Triadou and Telford; financing problems with other SDG investments.	Swiss Development Group SA 3, Rue du Mont-Blanc 1201 Geneva Switzerland +41 (0) 22 545 03 00
Jean-Francois Garneau, CEO of SDG	Operation and financing of SDG; relationship with Triadou and Telford; financing problems with other SDG investments.	Swiss Development Group SA 3, Rue du Mont-Blanc 1201 Geneva Switzerland +41 (0) 22 545 03 00
Peter Sztyk, adviser to Ilyas Khrapunov	Source of Khrapunov family wealth; general Khrapunov family investment strategy.	Kempinski Residencies Unit 602 The Palm Dubai, UAE
Nicolas Bourg, former Director of Triadou and consultant to SDG	Financing of Triadou and SDG; motivation for investments in New York and source of funds	c/o Robert Wolf, Esq.
Arnie Herz, Attorney for Triadou/SDG	SDG business activity in US	14 Vanderventer Ave. Ste. 255 Port Washington, NY 11050 (516) 767-0800
Luigi Rosabianca, former Attorney for Triadou/SDG	SDG business activity in US	Ulster Correctional Facility 750 Berne Road P.O. Box 800 DIN: 16R1912 Napanoch, New York 12458

Gennady Petelin, father-in-law of Viktor Khrapunov's daughter	Sources of funding for Telford; Telford's relationship to Triadou and SDG.	House 6, Apt 43 Volzhskiy Blvd. Moscow, Russia
Elena Petelina, spouse of Gennady Petelin	Sources of funding for Telford; Telford's relationship to Triadou and SDG.	House 6, Apt 43 Volzhskiy Blvd. Moscow, Russia
Zoulficar Djoma, administrator of Telford Trust	Source of funding for Telford; Telford's relationship to Triadou and SDG.	Ramsay International SA 1st Floor, Dekk House Zippora St. Providence Industrial Estate, Mahe, Seychelles
Eesh Aggarwal, Chairman of the Azure Group	Sources of funding for Telford; Telford's relationship to Triadou and SDG.	Westbourne House, Ste. 211-2 14-16 Westbourne Grove London W2 5RH United Kingdom +97 15 06 56 80 89
Joseph Chetrit, partner at The Chetrit Group	Financing for Triadou's investment in Flatotel project; buyout of investment.	c/o Sukenik, Segal & Graff, P.C
Meyer Chetrit, partner at The Chetrit Group	Financing for Triadou's investment in Flatotel project; buyout of investment.	c/o Sukenik, Segal & Graff, P.C
Eric Elkain, Chetrit agent	Financing for Triadou's investment in Flatotel project; buyout of investment.	c/o Sukenik, Segal & Graff, P.C
Jehoshua Graff, Counsel to The Chetrit Group	Financing for Triadou's investment in Flatotel project; buyout of investment.	c/o Sukenik, Segal & Graff, P.C
Matthew Meltsner, Flatotel Project Manager	Financing for Triadou's investment in Flatotel project; buyout of investment.	c/o Sukenik, Segal & Graff, P.C
Alexey Alekseev, Director of General Industries, Tourism, and Transport Division of Black Sea Trade and Development Bank	Reasons for Black Sea's denial of financing for an SDG project after sale to Glatz.	Black Sea Trade and Development Bank 1 Komnion St. Thessaloniki 546 24 Greece (+30 2310) 290-400

Gulzhan Aytalyevna Chegimbaeva, former Secretary to the Head of the BTA Bank Credit Committee	Mukhtar Ablyazov's conduct as Chair of BTA Bank.	BTA Bank 97 Dzholdabekov St., Samal-2 Almaty, Kazakhstan 050051
Faridyam Sultanmuratovna Gozhakhmetova, former BTA Bank employee within Bank Credit Committee	Mukhtar Ablyazov's conduct as Chair of BTA Bank.	BTA Bank 97 Dzholdabekov St., Samal-2 Almaty, Kazakhstan 050051
Nurlan Rustemovich Mukhametzhonov, former Head of Treasury at BTA Bank	Mukhtar Ablyazov's conduct as Chair of BTA Bank.	BTA Bank 97 Dzholdabekov St., Samal-2 Almaty, Kazakhstan 050051
Asel Seidakhanova Niyazova, former Deputy Head of the Lending Transaction Administration Department at BTA Bank	Mukhtar Ablyazov's conduct as Chair of BTA Bank.	BTA Bank 97 Dzholdabekov St., Samal-2 Almaty, Kazakhstan 050051
Aituar Kairatovich Abusseitov, former employee of BTA Bank	Mukhtar Ablyazov's conduct as Chair of BTA Bank.	BTA Bank 97 Dzholdabekov St., Samal-2 Almaty, Kazakhstan 050051
Dina Erikovna Palymbetova, former Deputy Head of the Department of Analysis of Corporate Businesses at BTA Bank	Mukhtar Ablyazov's conduct as Chair of BTA Bank.	BTA Bank 97 Dzholdabekov St., Samal-2 Almaty, Kazakhstan 050051
Bauyrzhan Darmanbekov, Head of Non-Residential Real Estate, Finance Department of the City of Almaty	Viktor Khrapunov's conduct as Mayor of Almaty.	+7 (727) 261-6677
Representative of the General Prosecutor's Office of the Republic of Kazakhstan	Mukhtar Ablyazov's conduct as Chair of BTA Bank and Viktor Khrapunov's conduct as Mayor of Almaty.	14 Orynbor St. Astana City, Kazakhstan 010000 +7 (7172) 71-26-20
Felix Sater	Financing of Triadou and SDG; Defendants' investments in the United States and sources of funds	C/o Robert Wolf, Esq.

Laurent Foucher	Financing of Triadou and SDG; motivation for investments in New York and source of funds	C/o Robert Wolf, Esq.
Magenta Elishakov	Financing of Triadou and SDG; Ilyas Khrapunov's finances and actions	C/o Robert Wolf, Esq.
Boris Daneli	Financing of Triadou and SDG; Ilyas Khrapunov's finances and actions	C/o Robert Wolf, Esq.
Daniel Ridloff	Financing of Triadou and SDG; Defendants' investments in the United States and sources of funds	C/o Robert Wolf, Esq.
Elvira Kudryashova	Triadou/SDG investments in the United States; defendants' finances and sources of wealth	C/o John Kenney, Esq.
Asim Sever	Financing of Triadou and SDG; Ilyas Khrapunov's finances and actions	Brussels, Belgium
Jerome Point	SDG's electronic data preservation and deletion	Geneva, Switzerland
Alina Zaharia	Ilyas Khrapunov's actions at SDG	Montchoisy, Geneva, Switzerland
Martin Dowd	Triadou's investments in NY, Ilyas Khrapunov's control and management of SDG/Triadou	Nettleton Commons 313 E. Willow St. Suite 202 Syracuse, NY 13203 315 4224200

**B. A copy—or description by category and location—of all documents, electronically stored information and tangible things that the disclosing party has in its possession, custody or control and may use to support its claims or defenses, unless the use would be solely for impeachment.**

Based on current information, the Kazakh Entities have preliminarily identified the following categories of documents, data compilations, and tangible things that it might use to support its claims, other than solely for impeachment purposes:

1. Documents maintained by the City of Almaty, including reports, instructions, meeting



- minutes and transaction records relating to Viktor Khrapunov's actions as mayor. A portion of these documents are in the Kazakh Entities' possession.
2. Documents maintained by BTA Bank, including reports, instructions, meeting minutes and transaction records relating to Mukhtar Ablyazov's actions as chairman. A portion of these documents are in the Kazakh Entities' possession.
  3. Documents obtained from Nicolas Bourg, including assignment agreements, loan agreements, wire transfer receipts, and letters between parties. These documents are already in crossclaim defendants' possession.
  4. Documents obtained from The Chetrit Group, including contracts, financial documents, and correspondence. A portion of these documents are in the Kazakh Entities' possession.
  5. Recordings of conversations between Nicolas Bourg and others. These recordings are in the Kazakh Entities' possession.
  6. Filings, orders, and decisions in previous litigation involving Triadou, Ablyazov, and the Khrapunovs, including in the United Kingdom and New York Supreme Court. These documents are publicly available.

In addition to the documents identified above, the Kazakh Entities may use documents obtained through discovery from the crossclaim defendants or non-parties to support its claims.

**C. A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.**

As the Court noted in granting the Kazakh Entities' motion for attachment, the Kazakh Entities' minimum recovery in this action is the amount invested in the United States by Triadou,

\$69,275,810. [ECF No. 192, at 7]. In addition, the Kazakh Entities are entitled to treble damages on their RICO claims and further damages to be determined resulting from their RICO injuries.

**D. For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

Crossclaim defendants have raised no claims against the Kazakh Entities and there can be no possible judgment against the Kazakh Entities.

Dated: August 11, 2017

Respectfully Submitted,  
BOIES, SCHILLER & FLEXNER LLP

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 11, 2017, a true and correct copy of Crossclaim-Plaintiffs'

Amended Initial Disclosures was served by electronic mail on all of the following:

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